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23117 7590 05/15/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER NAQI, SHARICK	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/528,365

Applicant(s)

TARASSENKO ET AL.

Examiner

Sharick Naqi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 3/18/2005, 1/03/2006.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Claim Objections***

Claims 8, 9 and 28 are objected to because of the following informalities:

In regards to claim 8, examiner suggests that proper alternate form be used and "cell phone/pda" be corrected to "cell phone or pda."

In regards to claim 9, examiner suggests that proper alternate form be used and "cell phone/pda" be corrected to "cell phone or pda."

In regards to claim 28, "the a wireless transmitter", on page 9, line 15, is a typographical error. Examiner suggests that it be corrected to "a wireless transmitter" or "the wireless transmitter."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5, 8-16 and 18-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. USPN 6,302,844.**

1. A telemedicine system comprising a patient-based physiological data acquisition and transmittal device connectable via a wireless network to transmit physiological data to a remote server, wherein the patient-based measurement and data transmittal device comprises:

an electronic physiological data acquisition unit for measuring a physiological parameter of a patient to acquire and output data representing the parameter; (fig. 1, column 4, lines 7-67, column 5, lines 1-44)

a wireless transmitter which upon receiving the output data from the data acquisition unit automatically transmits the output data via the wireless network to the remote server. (fig. 1, column 4, lines 7-67, column 5, lines 1-44)

2. A telemedicine system according to claim 1 wherein the wireless transmitter is adapted to receive automatically the output data from the physiological data acquisition unit on data acquisition thereby, and thereupon automatically to transmit the output data immediately in real time to the remote server. (fig. 1, column 4, lines 7-67, column 5, lines 1-44)

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3. A telemedicine system according to claim 1 wherein the wireless transmitter is adapted to establish a connection to the wireless network automatically when it is switched on and to maintain the connection while switched on. (fig. 1, column 4, lines 7-67, column 5, lines 1-44)

4. A telemedicine system according to claim 1, wherein the wireless network is a packet-switched network. (fig. 1, column 4, lines 7-67, column 5, lines 1-44, column 6, lines 3-15)

5. A telemedicine system according to claim 4 wherein the wireless network is a public network. (fig. 1, column 4, lines 7-67, column 5, lines 1-44, column 6, lines 3-15)

8. A telemedicine system according to claim 1 wherein the wireless transmitter is a cellular telephone/pda. (fig. 1, column 4, lines 7-67, column 5, lines 1-44, column 6, lines 3-15)

9. A telemedicine system according to claim 8 wherein a software application is provided on the cellular telephone/pda to interface with the physiological data acquisition unit and to control data transmission to the remote server. (fig. 1, column 4, lines 7-67, column 5, lines 1-44, column 6, lines 3-15)

10. A telemedicine system according to claim 1 wherein the patient-based

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measurement and data transmittal device is adapted to check the acquired data for compliance with preset conditions. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15)

11. A telemedicine system according to claim 10 wherein the preset conditions relate to the quality or completeness of the data or the condition of the patient. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15)

12. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device comprises a display for displaying the data to the patient. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15)

13. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device stores the data if a network connection is unavailable and automatically retransmits it later when a network connection is available. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15)

14. A telemedicine system according to claim 1 wherein the remote server processes the data to check the condition of the patient and responds with a message via the wireless network. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67,

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column 6, lines 1-15, column 8, lines 5-39)

15. A telemedicine system according to claim 1 wherein the remote server formats the data for delivery and display to a clinician. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

16. A telemedicine system according to claim 1 wherein the remote server comprises a data analyser for identifying trends in the data and a message generator for generating messages to be output to at least one of the patient and a clinician. (fig. 1, column 4, lines 7-67, column 5, lines 1-44, column 7, lines 45-63)

18. A telemedicine system according to claim 1 wherein the physiological data acquisition unit is one of: an electronic flow meter for recording Peak Expiratory Flowrate, an electronic blood glucose meter, a blood pressure monitor, and a heart rate monitor. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

19. A telemedicine system according to claim 1 wherein the physiological data acquisition unit and wireless transmitter are integrated as a single device. (fig. 1, column 4, lines 7-67, column 5, lines 1-44)

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20. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter is time stamped with reference to a secure clock. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59, column 21, lines 20-25)

21. A telemedicine system according to claim 20 wherein the secure clock is provided in the patient-based physiological data acquisition and transmittal device. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59, column 21, lines 20-25)

22. A telemedicine system according to claim 1 wherein a secure data store is provided in the patient-based physiological data acquisition and transmittal device. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59, column 21, lines 20-25)

23. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter is digitally signed. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

24. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter comprises the location of the wireless transmitter. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-45, column 8, lines 5-39,



column 19, lines 55-59)

25. A telemedicine system according to claim 24 wherein information is sent from the server to the patient-based physiological data acquisition and transmittal device for display thereon and is adapted depending on the location of the wireless transmitter. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

26. A telemedicine system according to claim 1 wherein information is sent from the server to the patient-based physiological data acquisition and transmittal device for display thereon to initiate interaction with the patient and is adapted depending on the value of the physiological parameter measured by the electronic physiological data acquisition unit. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

27. A telemedicine system according to claim 1 wherein information is sent from the server to the patient-based physiological data acquisition and transmittal device, and wherein in dependence upon said physiological parameter measurement and transmission to the server said information comprises a prescription for medication. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

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28. A telemedicine system according to claim 1 wherein the electronic physiological data acquisition unit is connectable to the a wireless transmitter by a connection comprising a data head including an interface. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59)

29. A telemedicine system according to claim 28 wherein the data head comprises a secure clock for time stamping the data. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59, column 21, lines 20-25)

30. A telemedicine system according to claim 28 wherein the data head comprises a secure memory for storing the data. (fig. 1, column 4, lines 7-67, column 5, lines 1-44 and lines 58-67, column 6, lines 1-15, column 8, lines 5-39, column 19, lines 55-59, column 21, lines 20-25)

**Claims 1-5, 8-16 and 18-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Blants et al. USPN 6,231,519.**

1. A telemedicine system comprising a patient-based physiological data acquisition and transmittal device connectable via a wireless network to transmit physiological data to a remote server, wherein the patient-based measurement and data transmittal device comprises:

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an electronic physiological data acquisition unit for measuring a physiological parameter of a patient to acquire and output data representing the parameter; (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

a wireless transmitter which upon receiving the output data from the data acquisition unit automatically transmits the output data via the wireless network to the remote server. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

2. A telemedicine system according to claim 1 wherein the wireless transmitter is adapted to receive automatically the output data from the physiological data acquisition unit on data acquisition thereby, and thereupon automatically to transmit the output data immediately in real time to the remote server. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

3. A telemedicine system according to claim 1 wherein the wireless transmitter is adapted to establish a connection to the wireless network automatically when it is switched on and to maintain the connection while switched on. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

4. A telemedicine system according to claim 1, wherein the wireless network is a packet-switched network. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

5. A telemedicine system according to claim 4 wherein the wireless network is a public network. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

8. A telemedicine system according to claim 1 wherein the wireless transmitter is a cellular telephone/pda. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

9. A telemedicine system according to claim 8 wherein a software application is provided on the cellular telephone/pda to interface with the physiological data acquisition unit and to control data transmission to the remote server. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

10. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device is adapted to check the acquired data for compliance with preset conditions. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

11. A telemedicine system according to claim 10 wherein the preset conditions relate to the quality or completeness of the data or the condition of the patient. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

12. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device comprises a display for displaying the data to the patient. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

13. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device stores the data if a network connection is unavailable and automatically retransmits it later when a network connection is available. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

14. A telemedicine system according to claim 1 wherein the remote server processes the data to check the condition of the patient and responds with a message via the wireless network. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

15. A telemedicine system according to claim 1 wherein the remote server formats the data for delivery and display to a clinician. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

16. A telemedicine system according to claim 1 wherein the remote server comprises a data analyser for identifying trends in the data and a message generator for generating messages to be output to at least one of the patient and a clinician. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

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18. A telemedicine system according to claim 1 wherein the physiological data acquisition unit is one of: an electronic flow meter for recording Peak Expiratory Flowrate, an electronic blood glucose meter, a blood pressure monitor, and a heart rate monitor. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

19. A telemedicine system according to claim 1 wherein the physiological data acquisition unit and wireless transmitter are integrated as a single device. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

20. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter is time stamped with reference to a secure clock. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

21. A telemedicine system according to claim 20 wherein the secure clock is provided in the patient-based physiological data acquisition and transmittal device. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

22. A telemedicine system according to claim 1 wherein a secure data store is provided in the patient-based physiological data acquisition and transmittal device. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

23. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter is digitally signed. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

24. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter comprises the location of the wireless transmitter. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

25. A telemedicine system according to claim 24 wherein information is sent from the server to the patient-based physiological data acquisition and transmittal device for display thereon and is adapted depending on the location of the wireless transmitter. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

26. A telemedicine system according to claim 1 wherein information is sent from the server to the patient-based physiological data acquisition and transmittal device for display thereon to initiate interaction with the patient and is adapted depending on the value of the physiological parameter measured by the electronic physiological data acquisition unit. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

27. A telemedicine system according to claim 1 wherein information is sent from the server to the patient-based physiological data acquisition and transmittal device, and wherein in dependence upon said physiological parameter measurement and

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transmission to the server said information comprises a prescription for medication.

(column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

28. A telemedicine system according to claim 1 wherein the electronic physiological data acquisition unit is connectable to the a wireless transmitter by a connection comprising a data head including an interface. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

29. A telemedicine system according to claim 28 wherein the data head comprises a secure clock for time stamping the data. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

30. A telemedicine system according to claim 28 wherein the data head comprises a secure memory for storing the data. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

31. A telemedicine system which incorporates handset delivery of advice relating to changes in medication necessary to control a respiratory condition including asthma. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

32. A telemedicine system according to claim 31 wherein the handset comprises a graphical device indicating the state of an asthmatic condition relative to an alert level.



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(column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

33. A telemedicine system according to claim 31 wherein the medication advice is based on readings analysed by software at the server and/or handset. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

34. A telemedicine system which incorporates handset delivery of geographically local information relevant to the patient condition from a central server, such information being derived from knowledge of the geographic location of the wireless handset and being adapted based on measurement of the patient condition by the telemedicine system. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

35. A telemedicine system according to claim 34 wherein said local information comprises local air quality information and weather conditions relevant to patients with respiratory diseases. (column 2, lines 52-65, column 4, lines 1-67, column 5, lines 1-67)

**Claims 1-5, 8-13, 18-23 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Schulze et al. USPN 6,443,890.**

1. A telemedicine system comprising a patient-based physiological data acquisition and transmittal device connectable via a wireless network to transmit physiological data to a remote server, wherein the patient-based measurement and data transmittal device comprises:

an electronic physiological data acquisition unit for measuring a physiological parameter of a patient to acquire and output data representing the parameter; (column 2, lines 15-61)

a wireless transmitter which upon receiving the output data from the data acquisition unit automatically transmits the output data via the wireless network to the remote server. (column 2, lines 15-61)

2. A telemedicine system according to claim 1 wherein the wireless transmitter is adapted to receive automatically the output data from the physiological data acquisition unit on data acquisition thereby, and thereupon automatically to transmit the output data immediately in real time to the remote server. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

3. A telemedicine system according to claim 1 wherein the wireless transmitter is adapted to establish a connection to the wireless network automatically when it is switched on and to maintain the connection while switched on. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

4. A telemedicine system according to claim 1, wherein the wireless network is a packet-switched network. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

5. A telemedicine system according to claim 4 wherein the wireless network is a public network. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

8. A telemedicine system according to claim 1 wherein the wireless transmitter is a cellular telephone/pda. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

9. A telemedicine system according to claim 8 wherein a software application is provided on the cellular telephone/pda to interface with the physiological data acquisition unit and to control data transmission to the remote server. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

10. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device is adapted to check the acquired data for compliance with preset conditions. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

11. A telemedicine system according to claim 10 wherein the preset conditions relate to the quality or completeness of the data or the condition of the patient. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

12. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device comprises a display for displaying the data to the patient. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

13. A telemedicine system according to claim 1 wherein the patient-based measurement and data transmittal device stores the data if a network connection is unavailable and automatically retransmits it later when a network connection is available. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

18. A telemedicine system according to claim 1 wherein the physiological data acquisition unit is one of: an electronic flow meter for recording Peak Expiratory Flowrate, an electronic blood glucose meter, a blood pressure monitor, and a heart rate monitor. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

19. A telemedicine system according to claim 1 wherein the physiological data acquisition unit and wireless transmitter are integrated as a single device. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67)

20. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter is time stamped with reference to a secure clock. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

21. A telemedicine system according to claim 20 wherein the secure clock is provided in the patient-based physiological data acquisition and transmittal device. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

22. A telemedicine system according to claim 1 wherein a secure data store is provided in the patient-based physiological data acquisition and transmittal device. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

23. A telemedicine system according to claim 1 wherein the data sent from the wireless transmitter is digitally signed. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

28. A telemedicine system according to claim 1 wherein the electronic physiological data acquisition unit is connectable to the a wireless transmitter by a connection comprising a data head including an interface. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

29. A telemedicine system according to claim 28 wherein the data head comprises a secure clock for time stamping the data. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

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30. A telemedicine system according to claim 28 wherein the data head comprises a secure memory for storing the data. (column 2, lines 15-61, column 3, lines 1-59, column 4, lines 1-67, column 5, lines 25-60)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Schulze et al. USPN 6,443,890 as applied to claim 5 above, and further in view of Haller et al. US Patent Pub. No. 2002/0052539.**

Schulze teaches in column 5, lines 25-32 and column 7, lines 10-29, that the CDMA wireless protocol is used in the device but other wireless networks will be just as suitable for use in the device. Schulze does not disclose that the wireless network is the

General Packet Radio Service (GPRS) network. However, Haller et al., a reference in an analogous art, discloses, in paragraphs 0115-0141, the use of a GPRS network in an emergency medical information communication system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wireless network of Schulze et al. with Haller et al.'s GPRS network since Haller et al. teaches, in paragraphs 0115-0141, the interchangeability of different wireless networks, including CDMA and GPRS.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Schulze et al. USPN 6,443,890 as applied to claim 1 above, and further in view of Haller et al. US Patent Pub. No. 2002/0052539.**

Schulze teaches in column 5, lines 25-32 and column 7, lines 10-29, that the CDMA wireless protocol is used in the device but other wireless networks will be just as suitable for use in the device. Schulze does not disclose that the wireless network is the 3G, PDC-P or EDGE network. However, Haller et al., a reference in an analogous art, discloses, in paragraphs 0115-0141, the use of a 3G network in an emergency medical information communication system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wireless network of Schulze et al. with Haller et al.'s 3G network since Haller et al. teaches, in paragraphs 0115-0141, the interchangeability of different wireless networks, including CDMA and 3G.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Walker et al. USPN 6,302,844. as applied to claim 16 above, and further in view of Baker, Jr. et al. USPN 5,853,364.**

Walker teaches, in column 7, lines 45-63, that the remote server analyzes the received signals to determine whether the pattern or data aberration is pathological. Walker does not disclose that the data analyzer comprises a Kalman smoother for smoothing the data. Baker, Jr. et al., a reference in an analogous art, discloses, in column 4, lines 4-25, the use of a Kalman filter to reduce noise energy in a system for measuring physiological parameters. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data analyzer of Walker et al. with Baker, Jr. et al.'s Kalman filter since Baker Jr. et al. teaches in column 4, lines 4-25 and column 9, lines 58-60, that the Kalman filter optimally filters noise from physiological measurements and further teaches, in column 11, lines 22-36, that the Kalman filter improves accuracy of the results.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharick Naqi whose telephone number is 571-272-3041. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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SN  
May 4, 2007



Michael Astorino